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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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SERGEY SPITSYN,

Plaintiff,

v.

RICHARD MORGAN, *et al*,,

Defendants.

Case No. C04-5134 FDB

ORDER ADOPTING REPORTS AND
RECOMMENDATIONS DENYING
MOTION FOR INJUNCTION AND
MOTION FOR FURLOUGH

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This matter comes before the Court on the Reports and Recommendations of the Magistrate

Judge [Dkt. #109 and #110] that Plaintiff's motions for furlough and injunction be denied. Plaintiff

has filed objections thereto. As detailed by the Magistrate Judge, Plaintiff has not shown he lacks the

resources to properly effect service through the use of a process server or other non-party. It also

appears that Defendants are prepared to waive service. Accordingly, Plaintiff's motion for furlough

in order to effect service is unwarranted. Plaintiff's objections do not convince this Court otherwise.

Addressing the *ex parte* motion for injunctive relief, the Magistrate Judge notes that Plaintiff is

seeking permanent injunctive relief which may not be obtained *ex parte* without proper service on

defendants. Further, Plaintiff seeks relief against a non-party to this action of which this Court lacks

jurisdiction. Finally, Plaintiff has failed to show that there is a likelihood of success on the merits of

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ORDER - 1

1   his claim. Plaintiff's objections do not convince the Court otherwise.

2   The Court, having reviewed the Reports and Recommendations of Magistrate Judge Karen

3   L. Strombom, objections to the Reports and Recommendations, and the remaining record, does

4   hereby find and Order:

5   (1)   The Court adopts the Reports and Recommendations;

6   (2)   The motion for furlough [Dkt. #99] is **DENIED**;

7   (3)   The motion for *ex parte* injunctive relief [Dkt. #101] is **DENIED**;

8   (3)   The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants

9   and to the Hon. Karen L. Strombom.

10   DATED this 20ᵗʰ day of September, 2006.

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      FRANKLIN D. BURGESS

14   UNITED STATES DISTRICT JUDGE

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26   ORDER - 2